

Wetlands Bureau Decision Report

Decisions Taken
09/12/2005 to 09/18/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2003-00620 HUGHES, CAROL
GREENLAND Pickering Brook

Requested Action:

Dredge and fill of 288,070 square feet of emergent, scrub-shrub, forested and riverine lower perennial wetlands for the construction of a retail shopping center and associated parking, stormwater controls and road improvements. The applicant is providing compensatory mitigation consisting of 14,192 square feet of on-site forested wetland and stream restoration, onsite preservation of 16.59 acres of wetlands consisting of a mixture of emergent, scrub-shrub, forested wetlands and riverine wetlands and 10.44 acres of uplands and off-site restoration and preservation of 22 acres of forested and scrub-shrub wetlands.

Conservation Commission/Staff Comments:

Con Comm submitted additional comments 7/18/2003

Con Comm submitted additional comments 9/23/2003

APPROVE PERMIT:

Dredge and fill of 288,070 square feet of emergent, scrub-shrub, forested and riverine lower perennial wetlands for the construction of a retail shopping center and associated parking, stormwater controls and road improvements. The applicant is providing compensatory mitigation consisting of 14,192 square feet of on-site forested wetland and stream restoration, onsite preservation of 16.59 acres of wetlands consisting of a mixture of emergent, scrub-shrub, forested wetlands and riverine wetlands and 10.44 acres of uplands and off-site restoration and preservation of 22 acres of forested and scrub-shrub wetlands.

With Conditions:

1. All work shall be conducted in accordance with plans and supporting documents by Rizzo Associates and Gove Environmental Services Incorporated, revised date of April 18, 2005 and as received by the Department on May 18 and 26, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent upon receipt of a Water Quality Certification from the DES Watershed Management Bureau.
5. This permit is contingent on approval of the NH Department of Transportation.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Silt fencing must be removed once the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction and the contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992)

Wetlands construction:

20. This permit is contingent upon the successful restoration/creation of 972,512 square feet (14,192 square feet on-site and 958,320 square feet off-site) of wetlands in accordance with plans received May 18 and 26, 2005.
21. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
22. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans (not yet received by DES). The permit shall not be effective until DES has received and approved the final off-site mitigation plan.
23. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
24. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
25. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
26. The permittee or a designee shall conduct inspection regularly during construction, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
27. Wetland (on-site restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
28. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
29. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
30. The permittee shall attempt to control invasive, weedy species such as purple loosestrife and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the on-site mitigation areas during construction and during the early stages of vegetative establishment.
31. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland preservation:

32. This permit is contingent upon the execution of a conservation plan showing the areas for proposed protection on 27.02 acres (on-site) and 18.4 acres (off-site) as depicted on plans received by DES on May 18 and 26, 2005.
33. The permit shall provide that the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this restriction.
34. The plan noting the conservation areas shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

35. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the conservation area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the conservation area.
36. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
37. The Wetlands Bureau shall be notified of the placement of the conservation monuments to coordinate on-site review of their location prior to construction.
38. There shall be no removal of the existing vegetative undergrowth within the conservation area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
39. Any cutting, clearing, grubbing, grading, or building shall be prohibited in the designated conservation areas.
40. Activities in contravention of the permit conditions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation, fines and suspension of the permit).
41. To ensure that the restoration as proposed will be carried out, the applicant shall provide a bond or surety to the State of New Hampshire to cover the cost of restoration on-site and off-site.
42. The applicant shall provide a bond or surety to cover the costs of consultation, plan-development, meetings, inspections, consultant analysis and monitoring over a 10 year period as reviewed and approved by the Department of Justice.
43. The amount of the bond or surety will be determined only after DES has reviewed and approved the cost-estimate for restoration to be provided by the wetlands and engineering consultants retained by the applicant to carry out the restoration successfully as required by this permit.
44. Construction under this permit shall not begin until the bond or surety has been reviewed and approved by the Department of Justice.
45. The restoration of the 22 acre Great Bog shall provide for 100% removal of Phragmites after 10 years.
46. The use of pesticide shall be approved by the DES and the Department of Agriculture.
47. The applicant shall be required to move the proposed access road as suggested by the Town of Greenland from westerly portion of Wetland 3 to the more narrow easterly crossing of wetland 1.
48. Oil/water separators shall be required in the on-site drainage.
49. During the excavation process, a consultant shall review materials removed to ensure that any potential contaminants are screened tested, contained and removed or treated as required by DES, Waste Management Division. A construction and treatment plan shall be reviewed and approved by the Water Management Division prior to construction in uplands or wetlands.
50. A stream diversion plan, for the diversion of Pickering Brook shall be submitted for DES review and approval, prior to start of work.
51. Water quality testing shall be done in accordance with protocol established in the water quality certification process.

With Findings:

Background:

1. Packard Development, LLC ("Packard") filed an application for wetlands impacts in April of 2003 for the construction of a home improvement center, a retail outlet, a supermarket, and associated parking areas and infrastructure. The application included information prepared by Gove Environmental Services ("GES"), acting as agent for Packard.
2. The land where the project is located is in Greenland, New Hampshire approximately 3 miles southwest of the Portsmouth traffic circle and totals 55.95 acres. The property is located in a commercial / industrial portion of Greenland adjacent to Route 33, more particularly described on Greenland tax maps R21 and R279, as lots 44, 44A, 44B, 44C, 44D, and 6 ("the Property").
3. The Property was formerly the site of a Sylvania light bulb manufacturing facility, that has been abandoned for many years. The manufacturing building and several associated parking areas remain. Prior to this industrial use, the property was heavily graded and ditched for agricultural uses.
4. A public hearing on this application was held on July 23, 2003. Testimony from various parties was received at that hearing and has been considered in this decision.
5. Written comments were received after the hearing from concerned citizens, abutters, the Town of Greenland, the City of Portsmouth and CLF.

6. The comments from the public are summarized as follows:

- a) Concerns with water quality impacts to Pickering Brook; recommending use of oil water separators prior to stormwater discharge and questioning the ability of the stormwater treatment area to adequately treat salt, especially during the winter;
- b) Degradation of wetlands and Great Bay;
 - c) Potential for release of TCE;
- d) Effectiveness of septic system;
- e) Failure to meet need requirement given size and intensity of project;
- f) Adequacy of alternatives analysis; claim that it is artificially constrained by not considering smaller scaled development with fewer retail uses;
- g) Lack of baseline information on water quality and wildlife to assess wetland impacts and impacts to Pickering Brook;
- h) Application fails to properly assess the impacts of the project on functions and values of Pickering Brook and associated wetland/buffer areas and surface waters;
- i) Minimization of wetland disturbances related to intersection and access road construction;
- j) Parking space size;
- k) Potential impacts of flooding to abutting property.

7. On July 23, 2003, DES received a letter from the Portsmouth Conservation Commission, dated April 24, 2003 opposing the original application as presented for the following reasons:

- a) The fill of 7 acres of wetlands in this location is "unnecessary and unacceptable";
- b) The construction of the project "will result in 25.8 acres of impervious surface";
- c) The "new impervious surface will prevent the infiltration of water into the water table and effectively alter the water cycle in this important area";
- d) The "oil, grease and other inputs related to the automobiles parking in these extensive lots will impact the water quality of Pickering Brook and surrounding wetlands";
- e) The "change in the water cycle in this area could also impact the transport of the contaminated soil on the site."
- f) This "area is in a groundwater management zone for TCE (Trichloroethylene) the alteration of this site could adversely impact the subsurface migration of this chemical".
- g) The commission states "to develop a site so intensively in an area between Great Bay and the Great Bog on the banks of Pickering Brook is certain have adverse impacts and either an alternative site should be sought or a less impacting design should be seriously considered?"
- h) The commission questions why two versus three stores has not been considered;
- i) The commission suggests a reduction in building footprint and parking requirement more appropriate for the scale of the property.
- j) The commission suggests the alternative of a parking structure would avoid the need for significant pavement.

8. On July 23, 2003 DES received a letter dated July 21, 2003 from the Portsmouth Conservation Commission ("PCC") regarding the proposed changes to include an on-site septic system. Additionally, the PCC stated other concerns regarding water quality, including: industrial cleaning supplies, TCE contamination and septic issues.

9. On September 23, 2003 DES received a letter dated September 8, 2003 from the Greenland Conservation Commission ("GCC") stating its concerns about the potential of contamination of Pickering Brook from the proposed project. The GCC strongly recommend that UL approved oil water separators be used prior to storm water being discharged from all drains. Additional concerns were raised regarding impact of salt and setback of septic from wetlands.

10. On August 8, 2005 DES received a letter dated July 11, 2005 from the Greenland Conservation Commission regarding the proposed application. In this letter the GCC recommends that the second emergency entrance be relocated and recommends consideration be given to a third option of underground water storage to serve the same purpose as the retention pond proposed by the City of Portsmouth. Additionally, the GCC recommends that any and all mitigation should take place within the limits of the Town of Greenland.

11. The PCC concerns regarding water quality, runoff, TCE contamination, and septic issues have been addressed through the permit application proposal and design and through permit conditions requiring separate environmental approvals from Waste management Division (TCE issues), Alteration of Terrain (impervious surface, runoff and drainage and on-site versus off site

drainage calculations), Subsurface Systems Bureau (regarding proposed septic system) and the Watershed Management Bureau (any impacts to Pickering Brook or associated surface waters through Water Quality Certification).

12. The PCC concerns regarding need, alternatives, impact analysis, minimization and avoidance, and functions and values have been separately addressed in the findings contained in this decision as defined by separate corresponding headings.

13. On July 23, 2005, DES Wetlands program received a letter dated July 16, 2003 from William Evans, Bureau Administrator of the Subsurface Systems Bureau regarding his review of the preliminary copy of the Packard development septic system plan. Mr. Evans states "Based on the information as presented we believe that the septic system can be engineered to meet the requirements of the State's governing statutes and regulations." Additionally, Mr. Evans provides that "as an engineered system, a licensed engineer who is also a permitted designer must stamp the plan and final approval will be based upon the the engineering data presented."

14. The original application was revised April 18, 2005 and plan modifications to reduce impacts to wetlands were filed with DES in May of 2005. Many of the public comments have been addressed through plan redesign and DES permit conditions.

15. The application as submitted was prepared after consultation with local, state, and federal agencies and local advisory commissions.

16. The original application requested 5.21 acres of on-site wetland impacts, and 1.79 acres of off-site wetland impacts associated with improvements to Route 33.

17. The on-site wetland impacts have been reduced to 3.99 acres, a reduction of 1.23 acres. The off-site wetland impacts have been increased due to road improvements as required by NHDOT to 2.62 acres, an increase of .83 acres.

18. Under Section 12.1.3, Items 1-5 (hereinafter section and item numbers refer to the report prepared by GES, April 18, 2005) Packard set out the on-site design requirements for the proposed retail development.

19. On August 19, 2005 DES Wetlands Bureau Administrator, Collis Adams and Staff William Thomas inspected the property and proposed off-site mitigation properties and found that the wetlands delineation, functions and values, and impact analysis were consistent with the information submitted with the application.

Need:

20. Wt 302.04(a)(1) provides that for all major impact projects the applicant shall demonstrate by plan and example that the need for the proposed impacts have been demonstrated.

21. The proposed impacts are to provide for site access, roadway expansion necessary to meet NHDOT requirements, and for lot development and NHDOT permit regarding highway and access road requirements.

22. On June 1, 2005 Packard obtained a NHDOT Driveway and Excavation Permit for the project that sets out the standards and requirements for the highway improvements and site access construction.

23. In letters dated March 23, 2004 and May 15, 2005 to DES, Packard provided documentation supporting that in a two-store scenario redevelopment of this site is not financially practicable as it would result in a negative annual cash flow.

Avoidance and Minimization:

24. The project has been designed to avoid impacts to wetlands to the greatest extent possible for this development.

25. Packard has exceeded the mitigation requirements and has also provided enhanced water quality treatment, additional setback to Pickering Brook, and additional wetlands restoration and upland buffer plantings beyond what is required to compensate the impacts to the aquatic resources.

26. The Town of Greenland requested that the second emergency entrance be relocated from the northwest to the northeast area of the Property so as to avoid wetland fragmentation. DES has conditioned this permit to require the relocation of this emergency entrance to the location suggested by the Town of Greenland.

Alternatives Analysis:

27. Pursuant to Wt 302.03 an applicant is required to submit a statement describing the impact of the proposed project design and provide evidence that demonstrates that potential impacts have been avoided to the maximum extent practicable, and any unavoidable impacts have been minimized. For all permanent impacts that will remain after avoidance and minimization have been addressed the applicant shall submit a compensatory mitigation proposal in accordance with Wt 800.

28. Packard reviewed 15 potential alternate site locations within Greenland, Portsmouth, Newington and Stratham.

29. From the initial pool of sites, 9 sites were selected for intensive analysis using inspections, GIS assessment, infrastructure assessment and conceptual design layouts referencing technical engineering and project design requirements.

30. Packard reviewed potential sites for their ability to meet criteria that would make the site economically feasible. The criteria included: sufficient land area to support 356,935 square feet of buildings and 1,429 parking spaces; topography that would not

require excessive earth excavation; local municipal water and sewer or suitable on-site disposal alternatives; local private utility services for gas, electric and telephone; hydrological properties that allow on-site stormwater management without flooding; local highway infrastructure to support the anticipated traffic volumes; proximity to major thoroughfares in order to reduce the miles traveled on local roadways; and local market demand for the proposed type of retail. Six of the 15 sites were discounted because they did not provide sufficient land area for the proposed project. Eight of the nine remaining sites were discarded for one or more of the following factors: greater wetland impacts; stream impacts; potential impacts to State registered species; site not appropriately zoned or unavailable for retail development; site currently developed and not available; limited highway access; poor visibility; and limited availability of utilities.

31. Packard has provided evidence to demonstrate that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.

Functions and Values:

32. The functions and values in wetland areas 1 through 5 were evaluated by GES and this analysis and the Wetland Function-Value Evaluation Forms are found in Sec. 14 of their 4-18-2005 report.

33. Wetland # 1 (proposed impact 53,674 sq.ft.) is a palustrine scrub-shrub broad-leaved deciduous/emergent persistent wetland located on the eastern portion of the property. Flood flow alteration, sediment and toxicant retention are its primary functions. Wildlife habitat is a lesser function of this wetland.

34. Wetland #2 (proposed impact 11,406 sq.ft.) is a series of four man-made drainage ditches constructed for the purpose of transporting water across the palustrine emergent, scrub shrub wetland on the Property. Its primary function is sediment/toxicant reduction. In an US Army Corps of Engineers (ACOE) memo dated August 19, 2005 they determined that these wetlands "have only very weakly developed wetland characteristics and are of limited function". As such; wetlands 2A, 2B and 2C have been found to be non-jurisdictional by the ACOE.

35. Wetland # 3 (proposed impact 14,352 sq.ft.) is a palustrine/emergent persistent wetland located within the northwestern portion of the Property and has been partially ditched. This appears to be a man-made wetland and its primary function is wildlife habitat. Lesser functions include; flood flow alteration, sediment/shoreline stabilization and nutrient removal.

36. Wetland # 4 (proposed impact 94,408 sq.ft.) is a wet meadow located along the southwestern portion of the Property and the large fallow field at the front of the Property. This wetland has been partially excavated and receives runoff from man-made drainage ditches and the surrounding uplands. The primary function of this wetland is sediment/shoreline stabilization with a lesser wildlife habitat function.

37. Wetland #5 includes Pickering Brook (riverine, lower perennial) and the floodplain associated with Pickering Brook. There are no proposed impacts to Pickering Brook except for restoration of historic impacts to the brook and its floodplain (see mitigation section).

38. The 8 off-site wetland impact areas (2.79 acres of impact proposed) located on either side of Route 33, southwest of the existing site entrance (OS1, OS3, OS5, OS6, OS11a, OS14, OS15 and OS17) were evaluated together due to their similarity in classification as well as their functions and values (see Sec. 14.2.2). These wetlands are man-made roadside ditches associated with the construction and maintenance of Route 33. In their memorandum dated August 19, 2005, the ACOE has determined that wetlands OS1, OS3, OS6, OS11A, OS14, OS15, OS17 are maintained roadway drainage that were built in uplands and therefore are not considered jurisdictional wetlands under the Clean Water Act (CWA). OS5 was built in wetlands and the ACOE has determined that it is jurisdictional under the CWA.

39. Additionally RSA 482-A:3 exemption for the maintenance of man-made drainage ditches was expanded in May 2005 to allow the "cleaning out of main-made drainage facilities to preserve their usefulness, even where wetlands vegetation has become dominant.". By state statute these wetland systems could be maintained in their current location.

Impact Analysis:

40. Packard has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.(see Sec. 12)

41. The total land disturbance of the proposed project is approximately 27.57 acres. The project consists of developing 356,935 square feet of retail space, with associated site access, parking, and stormwater treatment.

42. The wetlands on the property have been previously altered by past industrial use and/or past agricultural activities (see Sec. 14.3). During the course of the historic uses, the majority of wetlands on the Property were altered by human activity. This includes the creation of extensive bedding systems to drain wetland areas during farm operations, and extensive grading and filling associated with the industrial development. Additionally, several linear features that now provide very limited wetland functions and values were originally man-made drainage ditches dug in upland soils (see GES letter received 8-26-2005).

43. The current design has reduced on-site wetland impacts by approximately 1.2 acres when compared to the original application

proposal.

44. The reduction in wetland impacts was achieved by shifting the overall building envelope northwest, out of the higher functioning wetlands located along the eastern portion of the property and by reducing the grading through the use of retaining walls. Additionally, a significant reduction in wetland impacts was achieved through the redesign and shifting of the site entrance. Additional reductions will result as a relocation of the emergency access road in accordance with the permit conditions.

45. To accommodate existing traffic congestion and increased regional traffic volumes, the project proposes to make off-site improvements to Route 33. The anticipated increases in traffic volume justify the need to widen portions of Route 33 in order to prevent future traffic congestion to a main route that is currently "over-capacity in certain areas" (see Vol. II of II, Sec. 17.2).

46. The primary function provided by the disturbed wetland areas are sediment and toxicant retention as well as some sediment/shoreline stabilization function associated with the wetlands closer to Pickering Brook (see Vol II of II Sec 17.1.1).

47. The proposed storm water management design compensates for the loss of stormwater functions in the wetlands through several water quality treatment features and two underground detention galleries (see Sec 20 Stormwater Management Design).

48. Water quality treatment is provided to offset lost function in the wetlands, and the subsurface detention system mitigates for possible thermal pollution.

49. The underground detention galleries will release water at a comparable quantity and rate as existing conditions, reducing the probability for downstream erosion, while maintaining hydrology to keep the adjacent wetlands viable.

50. Packard has attempted to reduce impacts to wetlands and provide adequate wetlands impact mitigation through the evolution of five design modifications that incorporated requests made NHDES and other Federal and local regulatory agencies during meetings and discussions conducted over the past three years.

On-Site Mitigation:

51. Packard has provided mitigation in accordance with Administrative Rules Chapters Wt 300 and Wt 800. This mitigation specifically provides for preservation of 10.44 acres of upland, 16.59 acres of wetlands and restoration of 14,192 square feet of wetlands on the Property, and restoration of 22 acres of wetlands off-site.

52. The mitigation proposal submitted to DES greatly exceeds the mitigation compensation ratios as required by Wt 803.05, Table Wt 800-1.

53. The wetlands restoration at the Property will be done in 3 phases (see Sec. 19). Phase 1 will be the removal and restoration of 11,092 sq.ft. of fill associated with previously filled wetlands adjacent to Pickering Brook and the creation of a forested wetland buffer.

54. Phase II will be the removal of the old railway culvert and associated fill in Pickering Brook (3,100 sq ft. of fill removal).

55. Phase III will be the construction of a stormwater polishing basin that will create a treatment wetland to provide tertiary treatment of the discharge from the underground storage gallery 1 (51,059 sq.ft. wetland restoration).

56. To compliment this restoration, Packard has proposed additional enhancement with shrub plantings around the proposed development (see Sec 19.1.2)

57. The wetland areas within the on-site preservation are part of a larger wetland complex associated with the Pickering Brook riparian corridor and the Great Bay. The wetlands within the conservation area total approximately 17.88 acres. The development of the project will primarily impact wetlands providing sediment toxicant retention function within the project area and may indirectly impact wildlife habitat. Packard identified those areas of the Property with the highest function for sediment toxicant retention. (Function-Value Synopsis is provided at Sec 19.2.8.)

58. The conservation areas will provide important riparian buffers that will be beneficial to the aquatic systems and wildlife that depend on them for habitat, travel, migration, foraging, nesting and cover (see 19.2.10 for Rational for Conservation Area).

59. In addition to wildlife habitat, the conservation land will maintain protective hydrologic conditions. The vegetated strips will slow water velocity and quantity by interception and absorption, reducing the peak-flows compared with no-buffer systems.

60. A majority of the development will have a minimum of 100-foot buffer placed along the eastern shore of Pickering Brook. Many segments of the brook, generally north of the development, will have greater than a 100-foot buffer.

61. Throughout the brook buffer, substantial native vegetation will be planted on all slopes to improve slope stabilization and a natural stream bank ecology (Volume II of II 17.1.1).

62. The buffer plantings will provide screening and a barrier to undeveloped areas as well as shelter, food and perching sites for local songbirds.

63. Slope plantings will help mitigate the impacts of temperature and lack of shade from developed areas onto the undeveloped areas.

Off-Site Mitigation:

64. Packard conducted an extensive search for mitigation parcels in both Greenland and Portsmouth, including eleven properties in

Greenland and eight properties in Portsmouth.

65. The off-site mitigation area consists of the rear portions of properties identified on the City of Portsmouth Tax Map 265, Lot 2E (Griffin), Lot 2C (Apostolic Church of Christ), Lot 2B (Riley), and Lot 2 (Odiorne Conservation easement).

66. Packard has secured permission from the property owners to carry out the restoration as set out in Sec 19.

67. The compensatory mitigation requirement for this project is approximately 10 acres of restoration. The proposed restoration consists of the removal of the invasive species, *Phragmites australis* from approximately 22 acres within the Great Bog.

68. *Phragmites monotypic* stands such as this have robbed large areas of the Great Bog of its plant diversity and wildlife habitat.

69. Removal of the *Phragmites* stand in this area of the Great Bog will increase its plant diversity and wildlife habitat function.

Water Quality Issues:

70. Management of storm water, erosion control, construction sequencing, and management to prevent any degradation to water quality is found in Volume II of II, Section 20.

71. The Site Specific Program at DES has authority to review and approve development plans to assure adequate management of stormwater runoff from developed areas. This permit has been conditioned to require that review and approval.

72. The Watershed Management Bureau at DES has authority to review and approve development plans to assure adequate protection of surface waters through a Water Quality Certification process. This permit has been conditioned to require that review and certification.

73. The Subsurface Systems Bureau at DES has authority for the review and approval for on-site wastewater disposal systems (septic systems). This permit has been conditioned on their review and approval.

2003-01089 NH DEPT OF TRANSPORTATION PLAISTOW Little River & Camp Brook

Requested Action:

Request amendment to raise the roadway by 8 in., replace a 12 in. culvert and add a 15 in. culvert impacting an additional 475 sq. ft. of emergent wetland on Hilldale Ave.

Inspection Date: 10/30/2003 by Gino E Infascelli

APPROVE AMENDMENT:

Replace two bridges, widen roadway and replace two culverts and install a 15 in. culvert impacting a total of 36,910 sq. ft. of palustrine and riverine wetlands (16,479 sq. ft. temporary). NHDOT project #12359.

With Conditions:

1. All work shall be in accordance with:

a. Plans by NHDOT Bureau of Highway Design dated April 15, 2003 as received by the Department on June 2, 2003 and

b. Plans by NHDOT Bureau of Construction dated 8-9-05 as received by the Department on August 11, 2005.

2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.

3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

7. Temporary cofferdams shall be entirely removed immediately following construction.

8. Construction equipment shall not be located within surface waters.

9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a major impact project per Administrative Rules Wt 303.02(c) alteration of more than 20,000 sq. ft. of non-tidal surface waters and banks and Wt 303.02(i) alteration of more than 200 linear feet of river and banks.

2. The amendment allows raising the roadway to prevent road breakup due to flooding.

2004-01824

SULLIVAN JR, CHARLES

GILFORD Lake Winnepesaukee

Requested Action:

Construct a 6 ft by 30 ft dock, remove a 4 ft by 24 ft seasonal dock, reset rocks on breakwater.

Conservation Commission/Staff Comments:

Con. Com. had no objection to project

DENY PERMIT:

Construct a 6 ft by 30 ft dock, remove a 4 ft by 24 ft seasonal dock, reset rocks on breakwater.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."

2. This project is classified as a major impact per Rule Wt 303.02(d), construction or modification of major docking system.

3. A maximum of 3 boat slips may be permitted on 173 feet of frontage per Rule Wt 402.14, Frontage Over 75'.

4. In accordance with Rule Wt 402.22, Modification of Existing Structures, "The department shall not approve any change in size, location or configuration of existing structures unless the applicant demonstrates that and the department finds the modification to be less of an environmental impact or provides for less boat slips and less constructed surface area over public submerged lands than the current configuration."

5. In accordance with Rule Wt 302.04(a), Requirements for Application Evaluation, the applicant is required to demonstrate "the need for the proposed impact."

6. Pursuant to RSA 482-A, XIV(b), if additional information is requested by DES and that information requested is not received by DES within 120 days of the request, DES shall deny the application.

Findings of Fact

7. On August 5, 2004, the Wetlands Bureau received an application for impacts, on the lot identified as Gilford tax map 242, lot 209,(the "Lot") to remove a seasonal dock, construct a permanent wharf and replace a few rocks on an existing breakwater on 173 ft of frontage on Lake Winnepesaukee.
8. The project as proposed will modify an existing non-conforming structure.
9. On September 17, 2004, the Department sent a Request for More Information addressed to the agent for the applicant stating the need to address Wt 402.22, submit outstanding filing fees, and to submit a letter from the abutter for work within the 20 ft setback.
10. On December 15, 2004, the Department received a response from the agent for the applicant dated December 10, 2004. The agent submitted the requested fee, the letter from the abutter for work within the 20 ft setback, but indicated they did not believe there was a need to address to Wt 402.22. They requested clarification of the rule.
11. On December 27, 2004, the Department sent a second Request for More Information explaining Wt 402.22 and again asking the agent for the applicant to meet the requirements of Wt 402.20.
12. On May 20, 2005, the Department received a letter from the agent dated May 17, 2005, stating they have not received a response to the information they submitted on December 10, 2004. They requested information on how they should proceed.
13. On August 2, 2005, the Department sent a letter to the applicant granting an extension until September 1, 2005, for the submittal of the information as requested in the prior two Request for More Information letters.
14. On August 10, 2005, the Department received information dated August 5, 2005, re-submitting information previously submitted by the agent on June 13, 2005, this information stated the agent did not agree with the Departments rule, Wt 402.22 and therefore they didn't have to adhere to the rule. However, the agent did not address the items in the Request for More Information dated December 27, 2004.

Rulings in Support of the Decision

15. The applicant has not addressed rule Wt 402.22, Modification of Existing Structures as requested in the Request for More Information Letters dated September 17, 2004, and December 27, 2004 therefore in accordance with RSA 482-A, XIV(b) the project is denied.

2005-00574 YUSKA, MICHAEL
SALEM Unnamed Wetland Drainage Swale

Requested Action:

Requests reconsideration of denial dated June 13, 2005 and approve request to fill approximately 734 square feet of disturbed wet meadow drainage swale.

Conservation Commission/Staff Comments:

The conservation commission recommends approval of the application with 6 conditions.

APPROVE RECONSIDERATION:

Approve and reconsider requests reconsideration and approve request to fill approximately 734 square feet of disturbed wet meadow drainage swale for utilities and lot development.

With Conditions:

1. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The 1,500 sq. ft. of constructed wetland shall be stabilized and vegetated in accordance with plans received by DES on August 5, 2005.
4. The impacts to the 734 wetland sq. ft. area shall not be done until the "proposed wetland mitigation" is stabilized, planted and functioning.

With Findings:

1. The applicant has proposed to mitigate by constructing 1,500 sq. ft. of wetlands to offset impacts to small drainage area.

2005-00972

KELLY, KEVIN

MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove three navigational hazard rocks totaling 2 cu yd and dredge out 24 cu yds to maintain safe access to the existing 13 ft 6 in x 24 ft dug-in boathouse on an average of 120 ft of frontage on Lake Winnepesaukee.

APPROVE PERMIT:

Remove three navigational hazard rocks totaling 2 cu yd and dredge out 24 cu yds to maintain safe access to the existing 13 ft 6 in x 24 ft dug-in boathouse on an average of 120 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 31, 2005, as received by the Department on May 10, 2005.
2. All rocks and dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. The seasonal pier shall be removed for 5 months during the non-boating season.
4. Rocks removed from the lake bed shall be placed outside of the jurisdiction of the DES Wetlands Bureau and shall not be moved to deeper water unless another use is specifically permitted.
5. Rocks shall not be stockpiled in jurisdiction.
6. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(g), removal of more than 20 cu yd of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2005-01140

BIEHL, FRANKLIN & NOREEN

DOVER Bellamy River

Requested Action:

Construct a 4'x21' permanent fixed pier with a 2'x16' seasonal ramp to a 8'x12' seasonal float providing two 8' boat slips on 176' of

shoreline frontage on the Bellamy River.

Conservation Commission/Staff Comments:

The Dover Conservation Commission requested a 40-day intervention, then filed a follow-up report on July 27, 2005 stating that they voted to endorse the application.

Inspection Date: 08/23/2005 by Eben M Lewis

APPROVE PERMIT:

Construct a 4'x21' permanent fixed pier with a 2'x16' seasonal ramp to a 8'x12' seasonal float providing two 8' boat slips on 176' of shoreline frontage on the Bellamy River.

With Conditions:

1. All work shall be in accordance with plans by Franklin M. Biehl dated 5/21/05, as received by the Department on 5/26/05.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Work shall be done during low tide.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. The decking of the fixed pier shall have a minimum of 4 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks and the 2-foot ramp shall have a minimum of 2 ft. clearance from the surface of the tidal marsh.
10. The float of this structure shall be constructed with rails to prevent it from sitting directly on the mud at low tide.
11. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
12. Seasonal docking structures shall be removed for the non-boating season.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetland or bogs.
2. Public hearing is waived based on DES staff field inspection on 8/23/2005, with the finding that the project impacts will not significantly impair the resources of this estuarine wetland ecosystem and that the proposed dock will not impede navigation.
3. NH Natural Heritage Bureau (NHNHB) has identified one state listed threatened species within the vicinity of the project, Small Spike-Rush (*Eleocharis parvula*). DES review of this application and field inspection finds that the NHNHB identified species will not be impacted as a result of this project.
4. This dock is consistent with other tidal dock approvals in the seacoast.
5. The NH PDA Division of Ports and Harbors, per letter dated July 26, 2004, reports that this project... "would have no negative impact on navigation in the area."
6. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

-Send to Governor and Executive Council-

2005-01290 **LIBERTY MUTUAL**
DOVER **Unnamed Wetland**

Requested Action:

Dredge and fill a total of 42,167 sq. ft. of palustrine forested wetlands, containing a perennial stream, being a tributary to the Cocheco River, for the purpose of constructing a new 86,250 sq. ft. office building with appurtenant roadways, parking, drainage

structures and landscaping at the existing 225-acre Liberty Mutual business campus.

Conservation Commission/Staff Comments:

The Dover Conservation Commission initially intervened on the application, then voted to endorse the NHDES dredge and fill application with recommendations which have been incorporated into the permit conditions.

Inspection Date: 07/22/2005 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 42,167 sq. ft. of palustrine forested wetlands, containing a perennial stream, being a tributary to the Cocheco River, for the purpose of constructing a new 86,250 sq. ft. office building with appurtenant roadways, parking, drainage structures and landscaping at the existing 225-acre Liberty Mutual business campus.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. dated May 25, 2005, as received by the Department on June 09, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's affect on historic resources.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease Field Office in Portsmouth, N.H. to review the conditions of this Wetlands Permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Record approved plan with conservation easement for each appropriate lot or designated area within 30 days from receipt of this decision and submit a certified receipt from the Strafford County Registry of Deeds to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Work shall be done during low flow.
16. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

COMPENSATORY MITIGATION: Land resources preservation

1. This permit is contingent upon the execution of a conservation easement on 9.8 acres as described in the "Mitigation Measures" narrative contained in the wetlands application (pp. 12-15) and depicted on plans received June 09, 2005.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of

Deeds Office for each appropriate lot. A copy of the recording from the Strafford County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 22, 2005. Field inspection determined the project as proposed is reasonable for this site and the mitigation proposed adequately compensates for wetlands impacts and losses.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.

2005-01521 321 MAIN STREET REALTY LLC
NASHUA Prime Wetlands / Salmon Brook

Requested Action:

Replacement and reconstruction of existing auto service fire-damaged building adjacent to Salmon Brook a designated prime wetland.

APPROVE PERMIT:

Replacement and reconstruction of existing auto service fire-damaged building adjacent to Salmon Brook, a designated prime wetland.

With Conditions:

1. Orange construction fencing shall be placed at the limits of construction; siltation/erosion controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
2. Erosion control and construction sequence notes on the approved plans shall be explicitly followed.
3. A professional engineer shall inspect the project to insure compliance with approved plans and permit conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Temporary adequate fencing shall be provided along the Salmon Brook to ensure that any construction debris is contained during the demolition of the existing building and rebuilding of the new building.
6. This permit is not effective until the City of Nashua has issued its building permit or other local approval as required.

With Findings:

1. Prior to the fire damage of the existing building the area of proposed replacement and reconstruction was already developed and paved.
2. Prior to the fire damage of the existing building the roof and parking lot drainage flowed away from Salmon Brook towards

Main Street and will continue in the same manner.

3. The base footprint will be reduced from approximately 42' x 130' to approximately 34' x 130' and be setback further away from Salmon Brook.
4. The approximate pre-existing building height of the building 20' will not change.
5. The location of the building will be at an elevation outside the 100 foot flood plain from Salmon Brook.
6. There will be no impacts to finfish habitat resulting from the proposed project.
7. The NH Fish and Game Department written comments state that although the Spotted Turtle is located near the reconstruction they do not expect impacts to the Spotted Turtle as a result of the proposed project.
8. The proposed project provides for a larger buffer area than the old building.
9. The applicant has agreed to provide the City of Nashua with a "walking trail" immediately behind the building as a Recreation and Aesthetic amenity. Additionally, the applicant has agreed to retain the retaining wall adjacent to salmon Brook to prevent additional erosion to Salmon Brook.
10. The applicant has agreed to reduce the amount of impervious surface area with the new construction.
11. The applicant has agreed to Siltation and physical barriers to Salmon Brook to prevent any impact to the brook during construction of the project.
12. Given the reduction of impact, increased buffer and dedication of conservation area for the City of Nashua there will be a net gain of wetlands functions to Salmon Brook and associated buffer with a replacement in kind to an existing facility in a already developed area.
13. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
14. Based on findings 1-13 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

Pursuant to Wt 204 DES hereby grants the waiver of Wt 704.01 for the following reasons:

1. The applicant would suffer substantial hardship if the waiver were not granted. The existing building which the applicant is proposing to rebuild was destroyed by an accidental fire in December 2004.
2. The fire has forced the temporary closure of a tenant's business and the substantial loss of rent to the applicant.
3. Time is of the essence because under the City's applicable zoning ordinance, the building on the property is "grandfathered" provided the building is rebuilt within 12 months of the fire.

MINOR IMPACT PROJECT

2004-00443 TUCKER, JOHN & DAVID
SEABROOK Unnamed Wetland

Requested Action:

Dredge and fill a total of 3,195 sq. ft. of palustrine forested, scrub-shrub wetlands to construct a roadway to access a 5-lot residential subdivision on a 9.52 acre parcel of land.

Conservation Commission/Staff Comments:

Seabrook Conservation Commission reports opposition to project based on concerns which are addressed in findings.

Inspection Date: 08/25/2004 by Frank D Richardson

APPROVE AMENDMENT:

Dredge and fill a total of 3,195 sq. ft. of palustrine forested, scrub-shrub wetlands to construct a roadway to access a 5-lot

residential subdivision on a 9.52 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Millennium Engineering, Inc. dated Mar. 1, 2004, as received by the Department on September 13, 2005.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h): Dredge and fill a total of 3,195 sq. ft. of palustrine forested, scrub-shrub wetlands to construct a roadway to access a 5-lot residential subdivision on a 9.52 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on August 25, 2004.
5. Field inspection w/ Henry Boyd of Parker Survey corroborated his response to an earlier RMI regarding the point of access for the proposed roadway. The access off Walton Road unnecessarily interferes with an historic home site and its' environs.
6. The point of access off Washington Street is reasonable and the wetlands impacts are at the very edge of jurisdictional wetlands.
7. Local zoning/planning regulations regarding a hammerhead turnaround and local sub-division regulations are not germane to NH DES Wetland Bureau regulations.
8. There is no evidence to suggest that the proposed detention pond will result in adverse wetlands impacts.

2004-01676 HALL, ROBERT
CANAAN Crystal Lake

Requested Action:

Amend permit to allow construction during dry ground conditions.

Construct a 4 ft x 30 ft seasonal pier extending from a 4 ft x 63 ft permanent walkway accessed by a 4 ft x 55 ft boardwalk over wetlands to provide docking for two lots having a combined frontage of 485 ft on Canaan Street Lake, Canaan.

Conservation Commission/Staff Comments:

No Con Com comments by 09/10/04

Inspection Date: 12/02/2004 by Dale R Keirstead

APPROVE AMENDMENT:

Amend permit to allow construction during dry ground conditions.

Construct a 4 ft x 30 ft seasonal pier extending from a 4 ft x 63 ft permanent walkway accessed by a 4 ft x 55 ft boardwalk over wetlands to provide docking for two lots having a combined frontage of 485 ft on Canaan Street Lake, Canaan.

With Conditions:

1. All work shall be in accordance with plans by ALW Surveys revised July 27, 2005, as received by the Department on July 27, 2005 and plans by Natural Resources Consulting Services revised May 6, 2005, as received by the Department on May 31, 2005.
2. The Declaration of Easements and Restrictions DUV Enterprises, LLC Lots 20 and 21 Canaan, New Hampshire shall be recorded with the deeds for both properties identified as Canaan Tax Map I-E, lots 48 and 49.

3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. This shall be the only docking structure on these combined water frontages and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal portion of the structure shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 93 feet from the shoreline at full lake elevation.
7. All permanent portions of the structure shall be constructed under frozen or dry ground conditions.
8. There shall be no vegetation removed for the construction of the proposed structure.
9. There shall be no rutting or other disturbances of the soils during construction of the proposed structure.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule 303.03(d), construction of a pier which is, in part, permanent and provides fewer than 5 slips.
2. The construction of a docking structure that extends further lakeward of the normal highwater line than the standard 30 feet is less environmentally impacting than the removal of vegetation that would be necessary to access a conforming structure therefore the length requirement established per Rule Wt 402.02, Dimensions, is waived.
3. The construction of a structure that will be utilized by the residents of both properties reduces the potential for cumulative environmental impacts to the wetlands complex.
4. Construction during dry ground conditions will provide the same degree of protection to the aquatic resource as construction during frozen ground conditions.

2005-00399 MORRIS, MICHAEL & MARY JOAN
RYE Atlantic Ocean

Requested Action:

Riprap 2.5ft wide by 2-3ft high by 90 linear ft of the face of an existing retaining wall on the Atlantic Ocean with 50 ft of shoreline frontage.

Conservation Commission/Staff Comments:

The Rye Conservation Commission recommends approval.

Inspection Date: 05/04/2005 by Eben M Lewis

APPROVE PERMIT:

Riprap 2.5ft wide by 2-3ft high by 90 linear ft of the face of an existing retaining wall on the Atlantic Ocean with 50 ft of shoreline frontage.

With Conditions:

1. This permit supercedes the permit approved on 8/24/05.
2. All work shall be in accordance with plans by Michael Welch dated 5/20/05, as received by the Department on 6/3/05.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
6. There shall be no further alteration of jurisdictional area for lot development and any other construction related activities.
7. Work shall be done during low tide.
8. Present vegetation on top of the wall shall remain.
9. The riprap shall not extend more than 2.5ft seaward.
10. Native dune vegetation shall be planted within the riprap.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a) Projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Wt 303.02, Wt 303.04 or Wt 303.05;
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 5/4/05.
6. NH Natural Heritage Inventory (NHNHB) has record of two state threatened plant species within the project vicinity, Hairy Hudsonia (*Hudsonia tomentosa*) and Sand Drop-Seed (*Sporobolus cryptandrus*). NHNHB also has record of one plant species of special concern within the project vicinity, Beach Grass (*Ammophila breviligulata*).
7. DES finds that none of the NHNHB identified items will be impacted as a result of this project, as the area of impact is seaward of any existing vegetation.
8. A letter dated 3/14/05, from the Rye Conservation Commission recommends approval of the project while recommends that the wall not exceed 2.5ft. seaward; leaving any existing materials between the house and seawall; and maintain existing vegetation and plant native species within the new riprap.
9. Pursuant to 304.04, the applicant received written concurrence from all abutters relative to those impacts within 20-feet of their property boundary.

2005-00547

BARRETT, MICHAEL & CLAIRE

TEMPLE Unnamed Stream

Requested Action:

Remove an existing culvert and restore approximately 600 square feet (50 linear feet) of a perennial stream and impact 800 square feet (50 linear feet) of a perennial stream to provide access to a single family residence.

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Remove an existing culvert and restore approximately 600 square feet (50 linear feet) of a perennial stream and impact 800 square feet (50 linear feet) of a perennial stream to provide access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc.:
Driveway removal plan dated July 16, 2005,
Lot line adjustment plan for lots 74I and 74J, revised July 22, 2004;
Lot line adjustment plan for lots 74J, 74G and 74H dated July 16, 2004; as received by the Department on March 25, 2005; and
Driveway plan and profile sheet revised August 19, 2005, as received by the Department on August 22, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on lots 74J and 74K.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. This permit is contingent upon the restoration of 600 sq. ft. (50 linear feet) of stream channel in accordance with plans received March 25, 2005.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Area shall be regraded to original contours following completion of work.
9. The schedule for the restoration area shall commence within one year of the start of site construction unless otherwise considered

and authorized by the Wetlands Bureau.

10. The restoration area shall be properly constructed, monitored, and managed in accordance with approved restoration plan.

11. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration area is constructed in accordance with the restoration plan.

12. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

13. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. Permit application #1989-1808 for Temple Homes Inc., is not available for review. The Department has made the determination the application was properly acted upon.

6. The Department has determined the present proposal will not adversely impact the riverine system.

2005-00552 BEANE, BETTY
EAST KINGSTON Unnamed Wetland

Requested Action:

Dredge and fill 5092 square feet of wetland for access in the subdivision of 111.06 acres into 21 single family residential lots and one open space lot.

Conservation Commission/Staff Comments:

Please see the findings.

APPROVE PERMIT:

Dredge and fill 5092 square feet of wetland for access in the subdivision of 111.06 acres into 21 single family residential lots and one open space lot.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers dated February 23, 2005, and revised through May 31, 2005, as received by the Department on July 27, 2005 and Subdivision Plans by Jones and Beach Engineers dated March 9, 2005, as received by the Department on March 25, 2005.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.

5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.

6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. Work shall be done during low flow.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
15. Proper headwalls shall be constructed within seven days of culvert installation.
16. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. Silt fencing must be removed once the area is stabilized.
21. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The East Kingston conservation Commission has expressed concerns regarding the sizing of the culverts. The applicant has increased the size and has provided information illustrating that no additional detention will occur in wetlands.

2005-00863 NORTHWOOD, TOWN OF
NORTHWOOD Tucker Brook

Requested Action:

Remove two 36 in. x 41 ft. corrugated metal pipes and one 24 in. x 22 ft. corrugated plastic pipe and replace with one 4 ft. x 8 ft. box culvert in Tucker Brook at Harmony Road crossing. Amend timeframe for permit condition #2 and add condition for work outside of the growing season (condition #12).

APPROVE AMENDMENT:

Remove two 36 in. x 41 ft. corrugated metal pipes and one 24 in. x 22 ft. corrugated plastic pipe and replace with one 4 ft. x 8 ft. box culvert in Tucker Brook at Harmony Road crossing. Amend timeframe for permit condition #2 and add condition for work

outside of the growing season (condition #12).

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers dated May 2005 and revised June 3, 2005, as received by NHDES on June 9, 2005, with the following exception. Native material that was excavated to depress the culvert shall be placed in the bottom of the new culvert.
2. Work within the bed of Tucker Brook shall be done during low flow conditions and between the period May through November 15.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Before starting work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully installed, confined work can proceed without restriction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer between dewatering area and surface waters or wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. Temporary cofferdams shall be removed immediately following construction.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The extension to work through November 15 has been approved as Tucker Brook is a warm water fishery (spawning occurs in the spring) per consultation with NH Fish & Game.
2. Condition added for work completed outside the growing season, to ensure that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

2005-00886 KEENAN, GREGORY
MEREDITH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 6 ft by 40 ft seasonal dock and construct a 6 ft by 40 ft permanent piling supported dock accessed by a 6 ft access stairs, install two 3 piling ice clusters, install 3 tie off pilings, remove 2 rocks from the lakebed within the boatslip on 126 ft of frontage on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com has no objections

APPROVE PERMIT:

Permanently remove an existing 6 ft by 40 ft seasonal dock and construct a 6 ft by 40 ft permanent piling supported dock accessed by a 6 ft access stairs, install two 3 piling ice clusters, install 3 tie off pilings, remove 2 rocks from the lakebed within the boatslip on 126 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 19, 2005, revision date August 17,

2005, as received by the Department on August 17, 2005.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit supercedes permit 2004-00792. The seasonal dock shall be completely removed prior to the construction of the dock permitted under this permit.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. The minimum clear spacing between piles shall be 12 feet.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau in an upland area.
11. No portion of the docking structure shall extend more than 40 ft lakeward from full lake elevation of 504.32.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of not more than 20 cy of rock from public waters.

2005-01011 MANCHESTER, CITY OF
MANCHESTER Unnamed Wetland

Requested Action:

Dredge and fill 13,225 sq. ft. (of which 12,744 sq. ft. is temporary impact) of palustrine forested and emergent wetlands for the construction of an underground sewer line (Cohas Brook Interceptor, Phase 2 - Contract 1).

APPROVE PERMIT:

Dredge and fill 13,225 sq. ft. (of which 12,744 sq. ft. is temporary impact) of palustrine forested and emergent wetlands for the construction of an underground sewer line (Cohas Brook Interceptor, Phase 2 - Contract 1).

With Conditions:

1. All work shall be in accordance with plans by HTA dated 9/13/2005, as received by NHDES on 09/14/2005 and narrative received by NHDES on 8/5/2005 and 9/14/2005.
2. The permittee shall notify in writing NHDES Wetlands Bureau and the Manchester Conservation Commission of the intention to commence construction no less than five (5) business days prior to the commencement of construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work shall be done during periods of low flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
7. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

8. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
9. Construction workspace shall be limited to the 50-ft. construction right-of-way as depicted on the approved plans, unless further authorization is received pursuant to condition #10 below.
10. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
11. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
12. All additional temporary workspace outside of the approved construction right-of-way shall be located at least 20 ft. from any wetland or watercourse or the further approval of the NHDES Wetlands Bureau shall be obtained prior to use of the workspace.
13. The permittee shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
14. Wetlands shall be restored to their pre-construction conditions within the permanent and temporary rights-of-way, including restoration of original grades, within five (5) days of backfill.
15. Within three (3) days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Area shall be regraded to original contours following completion of work.
19. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within 6 weeks of the completion of construction.
20. Silt fence(s) must be removed once the area is stabilized.
21. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
22. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, which exceed the criteria of Wt 303.04(f)
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01266 PHILBRICK, DONALD
ALTON Lake Winnepesaukee

Requested Action:

Permanently remove the existing docking structure on the frontage and construct a 6 ft by 45 ft permanent dock with a three piling ice cluster at the lakeward end on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com suggests 6 x 45 seasonal dock.

APPROVE PERMIT:

Permanently remove the existing docking structure on the frontage and construct a 6 ft by 45 ft permanent dock with a three piling ice cluster at the lakeward end on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 2, 2005, as received by the Department on June 6, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. This permit does not allow for maintenance dredging.
7. The dock shall not extend more than 45 ft lakeward at full lake elevation of 504.32.
8. The minimum clear spacing between piles shall be 12 feet.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a dock that exceeds Wt 303.04.
2. This project meets Wt 402.05.

**2005-01824 DEERFIELD, TOWN OF
DEERFIELD Nichols Brook**

Requested Action:

Replace existing town road bridge with a 6' x 10' x 24' pre-cast box culvert, permanently impacting 365 sq. ft. (25 linear ft.) of Nichols Brook.

Conservation Commission/Staff Comments:

Conservation Commission did not report.

APPROVE PERMIT:

Replace existing town road bridge with a 6' x 10' x 24' pre-cast box culvert, permanently impacting 365 sq. ft. (25 linear ft.) of Nichols Brook.

With Conditions:

1. All work shall be in accordance with plans by Frederick J. McGarry, P.E. dated 7/31/2005, as received by the Department on 8/9/2005.
2. This permit is contingent upon submission of and DES approval of plans showing the location, footprint, and means of erosion/siltation control for the water control coffer dams proposed for the project as described in the narrative received with the application on 8/8/2005.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site

has returned to normal clarity.

5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of of less than 200 linear ft. of non-tidal perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. This town road bridge is deteriorated and replacement is necessary to keep the road open and ensure public safety.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. Replacement of the bridge with the box culvert will widen the stream passage under the road by one foot, improving the performance of the structure under certain flood events.

MINIMUM IMPACT PROJECT

2000-02352 DEVOSTS MARINA
BRISTOL Newfound Lake

Requested Action:

Approve name change to: Joseph Mancini/Devost's Marina, 208 West Shore Rd., Bristol NH 03222 per request received 9/15/2005.

Conservation Commission/Staff Comments:

No comments received from Bristol ConCom.

APPROVE NAME CHANGE:

Maintenance dredge approximately 20 cubic yards of sand from approximately 732 square feet of lake bed to clear an existing culvert outfall and provide for the continued use of 2 boatslips.

With Conditions:

1. All work shall be in accordance with plans by Scott DeVost received by the Department on March 14, 2001.
2. Work shall be conducted during drawdown.
3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
4. As sand accumulation is a documented problem at this location, any future application submitted to the Department for maintenance dredging at this location shall demonstrate that the proposed maintenance dredging is the least impacting alternative to areas an environments under the Department's jurisdiction, in accordance with Rule Wt 302.03, by including a report by a licensed engineer describing the source of sand, its rate of accumulation and alternatives to dredging.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate erosion/siltation/turbidity controls shall be installed place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2004-01909 GALLAGHER, JANE
HAMPTON Hampton Harbor

Requested Action:

Construct a building addition with a 651 sq. ft. footprint and a 525 sq. ft. 2-bay garage, both attached to an existing dwelling and being more than 50 feet landward of the high tide line in the previously developed upland tidal buffer zone.

Conservation Commission/Staff Comments:

Hampton Conservation Commission has viewed the site and made comments which have been incorporated in revised plan.

APPROVE AMENDMENT:

Construct a building addition with a 651 sq. ft. footprint and a 525 sq. ft. 2-bay garage, both attached to an existing dwelling and being more than 50 feet landward of the high tide line in the previously developed upland tidal buffer zone.

With Conditions:

1. All work shall be in accordance with plans by Dynamic Solutions, Inc. dated 7/5/2004 (last revised 9/29/04, as received by the Department on November 22, 2004 with correction to area of garage being a 525 sq. ft. footprint rather than 920 sq. ft. (2-story combined floor area).
2. There shall be no further alteration of areas within NH DES Wetlands jurisdiction for lot development, driveways, buildings or other construction activities.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b):Construct a building addition with a 651 sq. ft. footprint and a 920 sq. ft. 2-bay garage, both attached to an existing dwelling and being more than 50 feet landward of the high tide line in the previously developed upland tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has modified the project as planned to address the concerns of the Conservation Commission.

4. Waive Rule Wt 402.04 Setbacks (for structures other than docks) with the finding that the building addition and garage as designed and permitted will not interfere with the water views or water access of abutters.

2004-03055 NH DEPT OF TRANSPORTATION
TILTON Unnamed Wetland

Requested Action:

Request amendment to include a drainage manhole and modify a box culvert impacting an additional 2670 sq. ft.

APPROVE AMENDMENT:

Remove existing roadbed, add shoulders and turn lanes and relocate intersection of Clark Road and Town line Plaza impacting 3,466 sq. ft. of a forested wetland and intermittent stream. NHDOT project #13576.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans by NHDOT Bureau of Highway Design dated 11/9/04 as received by the Department on December 20, 2004 and
 - b. Plans by NHDOT Bureau of Highway Design sheet 4 of 5 dated 11/9/04 and sheet 5 of 5 dated 4/20/04 as received by the Department on August 2, 2005.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of an intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00241 PSNH, SCHILLER STATION
PORTSMOUTH Piscataqua River

Requested Action:

Maintenance dredge 186 cu. yds. (ca. 1,000 sq. ft.) of rock and sediment from the Piscataqua River bottom to obtain underkeel clearance and assure uniform depth of the berth for vessels at the PSNH Schiller Station Dock.

Conservation Commission/Staff Comments:

No report received from Portsmouth or Newington Conservation Commissions.

APPROVE PERMIT:

Maintenance dredge 186 cu. yds. (ca. 1,000 sq. ft.) of rock and sediment from the Piscataqua River bottom to obtain underkeel clearance and assure uniform depth of the berth for vessels at the PSNH Schiller Station Dock.

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering, Inc. dated 2005, as received by the Department on February 03, 2005 with revised dredge quantity as requested by Enterprise Engineering, Inc. September 08, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau at the designated disposal site on PSNH property at Schiller Station.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

2005-01208 WILLIAMS, BARRY

DOVER Unnamed Wetland

Requested Action:

Retain 361 square feet of fill within a road-side drainage ditch for the installation of a 16-inch by 24-foot culvert for a common drive to access a three lot subdivision of 6.79 acres.

Conservation Commission/Staff Comments:

The Dover Conservation Commission supports this project.

APPROVE AFTER THE FACT:

Retain 361 square feet of fill within a road-side drainage ditch for the installation of a 16-inch by 24-foot culvert for a common drive to access a three lot subdivision of 6.79 acres.

With Conditions:

1. All work shall be in accordance with the Subdivision of Land plan by McEneaney Survey Associates, Inc. dated March 29, 2005, as received by the Department on August 29, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01398 BURGESS, ROGER

ALTON Lake Winnepesaukee

Requested Action:

Drive 3 pilingss and install an 11 ft by 30 ft seasonal canopy adjacent to an existing permitted 6 ft by 40 ft permanent dock on 170 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns with project as submtted

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Drive 3 pilingss and install an 11 ft by 30 ft seasonal canopy adjacent to an existing permitted 6 ft by 40 ft permanent dock on 170 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on June 20, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor project per Administrative Rule Wt 303.03(d), modification of a 2 slip permanent pier.

2005-01447 OSHKELLO, CRAIG
HILLSBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill approximately 1,780 sq. ft. of scrub-shrub wetlands and install one 15 in. x 26 ft. and one 15 in. x 27 ft. culvert to provide access to the buildable portion of a lot for a single family residence.

APPROVE PERMIT:

Dredge and fill approximately 1,780 sq. ft. of scrub-shrub wetlands and install one 15 in. x 26 ft. and one 15 in. x 27 ft. culvert to provide access to the buildable portion of a lot for a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Christopher K. Danforth & Associates, LLC dated May 31, 2005, as received by the Department on June 27, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow.
4. There shall be no excavation or operation of construction equipment in flowing water.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
Faulty equipment shall be repaired prior to entering jurisdictional areas. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department has placed restriction on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission submitted comments concerning placement of the sewer disposal system, destruction to wetlands and wildlife and the availability of access to the property from Lot 68.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. The permit is contingent on the installation of sediment, turbidity and erosion controls.
8. The applicant has provided evidence which demonstrates that the crossing is the least impacting alternative.
9. The project does not propose any barriers to fish migration.
10. The surrounding wildlife habitat is currently divided by Bog Road and driveways adjacent to the property.
11. The Natural Heritage Bureau was notified of the project and found "no record" of threatened or endangered species.
12. Surface water flows and wetlands on the property are currently intercepted by Bog Road and a existing 15 in. culvert.
13. The applicant reduced the size of the project impacts by obtaining permission from the abutter to conduct work within twenty feet of the property line identified on Tax Map 6, Lot 66.
14. A comment letter submitted by the abutter owning land identified as Tax Map 6, Lot 68 stated they had no interest in a right of way.
15. The abutter located at Lot 68 submitted comments regarding concerns of flooding from beavers, wildlife impacts, rising water tables, access issues and previous cutting by the applicant on Lot 68.
16. The Bureau addressed these concerns in writing to the abutter located at Lot 68.

2005-01518 DIFIORE, DANA & CATHERINE
TUFTONBORO Unnamed Wetland

Requested Action:

Impact 2,590 sq. ft. (775 sq. ft. temporary) of forested wetland and install a 10 in. x 30 ft. culvert for driveway access to a single family residence.

APPROVE PERMIT:

Impact 2,590 sq. ft. (775 sq. ft. temporary) of forested wetland and install a 10 in. x 30 ft. culvert for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group sheet 7 of 11, as received by the Department on July 1, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands and the edge of wetlands shall be clearly delineated prior to construction.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2005-01520 REMICK FOUNDATION
TAMWORTH Unnamed Wetland Swift River

Requested Action:

Dredge and fill approximately 3,580 sq. ft. of wet meadow and seasonal drainages to install five culvert crossings to upgrade and expand an existing trail system to provide community access for recreation, education and agriculture.

APPROVE PERMIT:

Dredge and fill approximately 3,580 sq. ft. of wet meadow and seasonal drainages to install five culvert crossings to upgrade and expand an existing trail system to provide community access for recreation, education and agriculture.

With Conditions:

1. All work shall be in accordance with plans by David Weathers dated June 2005, as received by the Department on July 1, 2005.
2. All trail construction shall be in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", NH Dept. of Resources and Economic Development, copyright 1994, updated 2004.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(y), Construction of trails in accordance with the "Best Management Practices for Erosion Control During Trail Maintenance and Construction", NH Dept. of Resources and Economic Development, copyright 1994, updated 2004, provided there is less than 3,000 square feet of impact to wetlands per crossing and all crossings are of stream channels less than 10 feet wide.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The Conservation Commission is in support of project.
5. The New Hampshire Natural Heritage Bureau had no records of rare species and exemplary natural communities near the project.
6. The project is for community access recreation, education and agricultural practices.

2005-01779 BECHED/DIGANGI
GILFORD Unnamed Stream

Requested Action:

Confirm Emergency Authorization to dredge 245 square feet of intermittent stream to replace existing 24-inch x 39 foot culvert, in kind, for driveway access.

Conservation Commission/Staff Comments:

The conservation commission signed the minimum impact expedited application.

CONFIRM EMERGENCY AUTHORIZATION:

dredge 245 square feet of intermittent stream to replace existing 24-inch x 39 foot culvert, in kind, for driveway access.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a Minimum Impact project per Rule Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The project was necessary to maintain access to an existing residence.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 10, 2005.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

FORESTRY NOTIFICATION

2005-01908 BURT, RANDALL
BATH Unnamed Stream

COMPLETE NOTIFICATION:

Bath Tax Map 18, Lot# 29

2005-02003 LEVESQUE, PAUL
FARMINGTON Unnamed Stream

COMPLETE NOTIFICATION:

Farmington Tax Map R64, Lot# 14

2005-02098 CLOUGH, MAVIS
LISBON Unnamed Stream

COMPLETE NOTIFICATION:

Lisbon Tax Map R17, Lot# 7A

2005-02101 DOYLE, PETER & SUSAN
KEENE Unnamed Wetland

COMPLETE NOTIFICATION:
Keene Tax Map 917, Lot# 520

2005-02102 CERNOTA, JEAN
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R1, Lot# 9

2005-02107 MORSE TRUST, JULIE
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:
Wilmot Tax Map 7, Lot# 5

2005-02108 YANKEE FOREST, LLC, C/O WAGNER FOREST MGMT
GROTON Unnamed Stream

COMPLETE NOTIFICATION:
Groton Tax Map 4, Lot# 1

2005-02138 BIGGI, PAMELA
HAMPTON FALLS Unnamed Stream

COMPLETE NOTIFICATION:
Hampton Falls Tax map 1, Lot# 47

2005-02140 POULSEN, ROBERT & LOUISE
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax map 40, Lot# 27

2005-02141 LUCAS, WILLIAM
BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:
Bradford Tax Map 4, Lot# 34

2005-02142 GREEN ACRES WOODLANDS INC
LISBON Unnamed Stream

COMPLETE NOTIFICATION:

Lisban Tax Map R4, Lot# 4

2005-02143 GREEN ACRES WOODLANDS INC
LYMAN Unnamed Stream

COMPLETE NOTIFICATION:

Lyman Tax Map 168, Lot# 14

2005-02145 SAWYER, DONALD
SHARON Unnamed Stream

COMPLETE NOTIFICATION:

Sharon Tax Map 6, Lot# 24

2005-02147 UNITIL SERVICE CORP, SCOTT SHEPARD
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:

Concord Tax Map 121, Lot# 1-3

EXPEDITED MINIMUM

2005-00649 JOHNSON, INGA
EASTON Unnamed Stream

Requested Action:

Remove 3' diameter culvert and replace with a new 4' x 20' culvert and associated headwalls impacting approximately 100 square feet (approximately 40 linear ft.)to support flow of perennial stream for residential driveway.

Conservation Commission/Staff Comments:

Con. Com. did not report.

APPROVE PERMIT:

Remove 3' diameter culvert and replace with a new 4' x 20' culvert and associated headwalls impacting approximately 100 square feet (approximately 40 linear ft.)to support flow of perennial stream for residential driveway.

With Conditions:

1. All work shall be in accordance with plans by Inga Johnson dated 7/21/2005, as received by the Department on 7/25/2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam

is fully effective, confined work can proceed without restriction.

5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
14. Faulty equipment shall be repaired prior to entering jurisdictional areas.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of of less than 200 linear feet of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant suffered a washout of her driveway under spring flood conditions which also affected the state roadway, and is proposing an appropriate culvert upgrade to prevent this from occurring in the future.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-01470 DEARBORN, BRUCE
GREENLAND Brackett Brook

Requested Action:

Fill approximately 500 sq. ft. of wetland for the construction of a driveway and extension of an existing culvert to access buildable upland.

Conservation Commission/Staff Comments:

Conservation Commission signed Expedited Application.

Inspection Date: 06/09/2005 by David A Price

APPROVE PERMIT:

Fill approximately 500 sq. ft. of wetland for the construction of a driveway and extension of an existing culvert to access buildable upland.

With Conditions:

1. All work shall be in accordance with plans by Bruce Dearborn as received by the Department on July 5, 2005.
2. This permit is contingent upon the applicant receiving approval from the Town of Greenland for a lot line adjustment for the

creation of a separate lot within Tax Map R-12 Lot 27.

3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. Any further alteration of wetlands on this property will require a new application and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.

2005-01629 DUBLIN LAKE CLUB
DUBLIN Unnamed Wetland

Requested Action:

Dredge and fill a total of 750 square feet (750 linear feet) in wet meadow to install 6 in. and 4 in. perforated drainage pipe to improve drainage between fairways 5 and 7.

APPROVE PERMIT:

Dredge and fill a total of 750 square feet (750 linear feet) in wet meadow to install 6 in. and 4 in. perforated drainage pipe to improve drainage between fairways 5 and 7.

With Conditions:

1. All work shall be in accordance with undated plans, as received by the Department on 8/31/2005, and narrative received on 7/15/2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
3. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by resodding or seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Area shall be regraded to original contours following completion of work.
6. Silt fencing must be removed once the area is stabilized.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

2005-01726 NEW BOSTON, TOWN OF
NEW BOSTON Unnamed Stream

Requested Action:

Dredge and fill 1,510 square feet in intermittent stream and wetlands to replace or install five culverts on Bog Brook Road. Install one 18 in. x 40 ft. culvert, replace one 15 in. x 35 ft culvert with an 18 in. x 40 ft., install 18 in. x 40 ft., in-kind replacement of 18 in. x 40 ft., and replace 4 ft. squashed culvert with a 4 ft. x 36 ft. concrete box culvert.

APPROVE PERMIT:

Dredge and fill 1,510 square feet in intermittent stream and wetlands to replace or install five culverts on Bog Brook Road. Install one 18 in. x 40 ft. culvert, replace one 15 in. x 35 ft culvert with an 18 in. x 40 ft., install 18 in. x 40 ft., in-kind replacement of 18

in. x 40 ft., and replace 4 ft. squashed culvert with a 4 ft. x 36 ft. concrete box culvert.

With Conditions:

1. All work shall be in accordance with undated plans as received by the Department on 7/26/2005 and information received on 8/29/2005.
2. Work shall be done during low flow.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

2005-01884 WEARE SCHOOL DISTRICT
WEARE Unnamed Wetland

Requested Action:

Dredge and fill 2,985 square feet of a palustrine emergent seasonally flooded excavated wetland to construct an access road for redevelopment of an existing school site.

APPROVE PERMIT:

Dredge and fill 2,985 square feet of a palustrine emergent seasonally flooded excavated wetland to construct an access road for redevelopment of an existing school site.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering Inc. dated July 18, 2005, as received by the Department on August 15, 2005.
2. This permit is contingent upon the DES Wetlands Bureau receiving and approving of a detailed scaled plan of the temporary crossing for the roadway construction for staging area/site access and the associated temporary culvert.
3. This permit is contingent on approval of the proposed project by the DES Site Specific Program.
4. The applicant shall notify, in writing, the DES Wetlands Bureau and the Weare Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the immediate and upgradient areas are stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
9. Work shall be done during low flow.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

12. Work shall not result in the release of turbid water or an increase in runoff to abutting properties.
13. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(f), projects involving less than 3,000 square feet in swamps and wet meadows that are not in prime wetlands.
2. This permit is contingent on approval of the proposed project by the DES Site Specific Program.
3. In 1994, the DES Wetlands Board approved a permit to dredge and fill 150 linear feet of the same wetland in the same general area for installation of culverts in the drainage ditch with the condition that any future alteration of wetlands on the property would require a new application.
4. The applicant has demonstrated need for the wetland impact. The impact is required as part of the redevelopment of an existing school site to construct an access road for school buses and to reduce traffic congestion on Route 114.
5. The project will impact a palustrine emergent seasonally flooded excavated wetland which presently functions to retain and divert stormwater runoff from the property.
6. Prior to project completion, the applicant requires dredging and filling of the wetland for construction of a temporary roadway. This construction also requires installation of a temporary culvert in the wetland. The location of these activities, as drawn on the Phasing Plan submitted by Appledore Engineering, Inc. on July 18, 2005, as received by the Department on August 18, 2005, are covered under the permit so long as the activities occur in the same area proposed for the permanent impact. The permit is contingent on, however, the DES Wetlands Bureau receiving and approving of a detailed scaled plan of the temporary crossing and the associated temporary culvert.
7. Runoff from the site will be occurring to the same wetland location pre- and post- construction. Presently, water is collected in a series of catch basins and diverted to the wetland via a pipe drain; no method of water quality treatment exists. The project plans propose a system by which runoff is collected via a drainage system and diverted to an underground detention basin. Water will be released from this basin to a 161-foot water quality treatment swale prior to entering the wetland.
8. There are approximately 101,200 square feet of additional impervious area post-construction. A study of the pre- and post-development runoff rates indicates a decrease in the peak runoff rates to the wetland from the site. This decrease is attributed to the construction of the underground detention basin.

**2005-01943 YAMANE, STEPHEN & JENNIFER
MELVIN VILLAGE Lake Winnepesaukee**

Requested Action:

Permanently remove existing 3 ft by 14 ft access steps and construct a 6 ft by 40 ft seasonal dock connected to a 4 ft by 6 ft concrete pad accessed by a 6 ft by 16 ft stairs over the bank on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application and submitted comments. They state existing steps are not located from property line on plan, however plan is drawn to scale.

APPROVE PERMIT:

Permanently remove existing 3 ft by 14 ft access steps and construct a 6 ft by 40 ft seasonal dock connected to a 4 ft by 6 ft concrete pad accessed by a 6 ft by 16 ft stairs over the bank on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 1, 2005, as received by the Department on August 18, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The concrete pad shall be located entirely landward of full lake elevation (504.32) and behind the natural undisturbed shoreline.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.
2. The submitted plan is drawn to scale and thus addressing the local Conservation Commissions concerns.

2005-02062 GEORGE, PAUL
NEW DURHAM Unnamed Wetland

Requested Action:

Fill a total of 1,467 sq. ft. of wetland in three locations for the construction of two driveways and installation of culverts to access buildable upland for the construction of a 3-lot residential subdivision.

Conservation Commission/Staff Comments:

Conservation Commission signed the Expedited Application.

APPROVE PERMIT:

Fill a total of 1,467 sq. ft. of wetland in three locations for the construction of two driveways and installation of culverts to access buildable upland for the construction of a 3-lot residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Pohopek Land Surveyors & Septic Designers dated May 11, 2005, as received by the Department on September 2, 2005.
2. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
3. Any further alteration of wetlands on this property will require a new application and further permitting by Department of Environmental Services ("DES") Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Wetland boundaries at or near the impact areas are to be clearly marked prior to the start of clearing or construction.
8. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau concurrent with the commencement of the project.

2005-02087 ORFORD, TOWN OF
ORFORD Jacobs Brook

Requested Action:

Temporarily impact 192 square feet of bank along 16 linear feet of Sawyer Brook for construction of abutments for temporary bridge.

Conservation Commission/Staff Comments:

Please see the findings.

APPROVE PERMIT:

Temporarily impact 192 square feet of bank along 16 linear feet of Sawyer Brook for construction of abutments for temporary bridge.

With Conditions:

1. All work shall be in accordance with plans received by the Department on September 6, 2005.
2. Abutments shall be placed on bank and steel I beams will clear-span the width of channel.
3. There shall be no further impacts to wetlands or surface waters for construction of temporary bridge or access road.
4. No work shall occur below the high water line.
5. Work shall be done during low flow.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation shall be revegetated with native vegetation within three days of the completion of this project.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Area of temporary impact shall be regraded to original contours following completion of work.
9. All material removed during work activities shall be placed out of DES's jurisdiction.
10. Mulch within the restoration area shall be straw.
11. Seed mix within the restoration area shall be a conservation seed mix appropriate to the area, and not containing invasive species as listed by the Department of Agriculture and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to DES within 10 days of application.
12. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(h), installation of a bridge provided no work is done in the water or wetland and fill does not exceed 3000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Orford Conservation Commission signed this minimum impact application form.

2005-02092 ORFORD, TOWN OF
ORFORD Jacobs Brook

Requested Action:

Repair existing bridge abutments and replace bridge deck over Jacobs Brook.

APPROVE PERMIT:

Repair existing bridge abutments and replace bridge deck over Jacobs Brook.

With Conditions:

1. All work shall be in accordance with plans by Ruggles Engineering Services, Inc. dated August 25, 2005, as received by the

Department on September 6, 2005.

2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
6. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
7. Temporary cofferdams shall be entirely removed.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
9. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with like native species within three days of the completion of this project.
10. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), maintenance, repair, or replacement of a nondocking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. No substantial change to existing bridge abutments will be made, abutments will be re-faced 6 inches.
6. Repair existing abutments to meet current state engineering standards.

AGRICULTURE MINIMUM

2005-01811 ST AUBIN, NORMAN & CHRISTINE
CLAREMONT Unnamed Wetland

Requested Action:

Dredge and fill approximately 3,028 square feet of wet meadow to grade an existing hayfield to ease site access for farm equipment.

APPROVE PERMIT:

Dredge and fill approximately 3,028 square feet of wet meadow to grade an existing hayfield to ease site access for farm equipment.

With Conditions:

1. All work shall be done in accordance with plans by Connecticut Valley Environmental Services, Inc., dated July 8, 2005, and received by the Department on July 27, 2005.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use for a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(u), maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has demonstrated that the project is in accordance with the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.

2005-01817 LEMIEUX, TODD & STACY
BELMONT Unnamed Stream

Requested Action:

Dredge and fill approximately 570 sq. ft. of wet meadow to install a 15 in. x 20 ft. culvert for a agricultural use access crossing.

APPROVE PERMIT:

Dredge and fill approximately 570 sq. ft. of wet meadow to install a 15 in. x 20 ft. culvert for a agricultural use access crossing.

With Conditions:

1. All work shall be done in accordance with plans by Michael Lynch of NRCS, dated July 2005, and received by DES on August 9, 2005. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. Work shall be done during low flow.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(u), Maintenance or improvement of existing crop or

pasture land for continued agricultural use.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has demonstrated that the project is in accordance with the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.

TRAILS NOTIFICATION

2005-02109 DRED
STEWARTSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Stewartstown Coleman State Park

2005-02137 NH DEPT OF TRANSPORTATION
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham DOT ROW on Old Rte 11

ROADWAY MAINTENANCE NOTIF

2005-02095 NH DEPT OF TRANSPORTATION, BUREAU OF RAIL & TRANSI
CONCORD Unnamed Stream

2005-02096 WARNER HIGHWAY DEPT
WARNER Unnamed Stream

2005-02097 GRANTHAM, TOWN OF
GRANTHAM Unnamed Stream

PERMIT BY NOTIFICATION

2005-01961 LITCHFIELD, TOWN OF
LITCHFIELD Unnamed Wetland

Requested Action:

Impact 1,600 square feet of freshwater wetlands to replace an existing deteriorated municipal culvert outfall and headwall.

Conservation Commission/Staff Comments:

Con. Com. signed application.

COMPLETE NOTIFICATION:

Impact 1,600 square feet of freshwater wetlands to replace an existing deteriorated municipal culvert outfall and headwall.

2005-01995 LEVIN, MICHAEL
MILAN Milton Three Ponds

Requested Action:

Replace in-kind 55 linear feet (550 square feet, measured 55' x 10' wide excavated landward) of existing masonry retaining wall and existing stairs during drawdown on Northeast Pond.

Conservation Commission/Staff Comments:

Con. Com. did not sign application.

COMPLETE NOTIFICATION:

Replace in-kind 55 linear feet (550 square feet, measured 55' x 10' wide excavated landward) of existing masonry retaining wall and existing stairs during drawdown on Northeast Pond.

2005-02020 BUZZELL, ETHEL
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair in-kind, by replacing existing fallen stones, 46 linear feet of stone and masonry retaining wall on the shore of Merrymeeting Lake during drawdown.

Conservation Commission/Staff Comments:

Con. Com. signed application.

COMPLETE NOTIFICATION:

Repair in-kind, by replacing existing fallen stones, 46 linear feet of stone and masonry retaining wall on the shore of Merrymeeting Lake during drawdown.

2005-02061 WINNIPESAUKEE RIVER BASIN PROGRAM
FRANKLIN Winnepesaukee River

Requested Action:

Repair slope and culvert with aprox 10 square feet of bank impact to an unnamed stream.

Conservation Commission/Staff Comments:

The conservation commission signed off on this Permit By Notification.

PBN IS COMPLETE:

Repair slope and culvert with aprox 10 square feet of bank impact to an unnamed stream.

2005-02106 KOSTICK, KELLI
NEW DURHAM Unnamed Wetland

Requested Action:

Impact 1,742 square feet of forested wetlands to install a residential septic line.

Conservation Commission/Staff Comments:

Con. Com. did not sign application.

COMPLETE NOTIFICATION:

Impact 1,742 square feet of forested wetlands to install a residential septic line.

HEARINGS

2005-01521 321 MAIN STREET REALTY LLC
NASHUA Prime Wetlands / Salmon Brook

PRIME WETLANDS HEARING: 09/12/2005 10:00:00 AM

Replacement of a burned building portions of which are in the prime wetland bufffer of Salmon Brook. No wetland impacts are planned.